

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER D. HERNANDEZ,

Plaintiff,

v.

Case No. 11-10407
Honorable Patrick J. Duggan

DETROIT-WAYNE COUNTY
COMMUNITY MENTAL HEALTH
AGENCY and NURSE CHEETUM,

Defendants.

_____ /

**OPINION AND ORDER ADOPTING MARCH 4, 2013 REPORT AND
RECOMMENDATION AND GRANTING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

On February 1, 2011, Plaintiff commenced this civil rights action against Defendants Detroit-Wayne County Community Mental Health Agency and Nurse Cheetum (collectively "Defendants") alleging that his constitutional rights were violated while he was incarcerated at the Wayne County Jail. The Court has referred the matter to Magistrate Judge Paul J. Komives for all pretrial proceedings. (ECF No. 7.) On March 28, 2012, Defendants filed a motion for summary judgment. (ECF No. 27.) On January 24, 2013, Magistrate Judge Komives directed Plaintiff to file a response to the motion by February 15, 2013.¹ (ECF No. 39.) Plaintiff has not filed a response.

¹The deadline imposed for Plaintiff's response is so long after the filing of the motion because, in the interim, counsel was appointed for Plaintiff, a request for leave to file an amended complaint was granted (although no amended pleading was ever filed), and
(continued...)

On March 4, 2013, Magistrate Judge Komives issued a Report and Recommendation (R&R) with respect to Defendants' motion. (ECF No. 41.) Magistrate Judge Komives recommends that this Court grant the motion, finding that Plaintiff fails to create a genuine issue of material fact as to whether Nurse Cheetum was deliberately indifferent to his serious medical needs or retaliated against him because he engaged in protected conduct. (*Id.* at 13-14.) At the conclusion of his R&R, Magistrate Judge Komives informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at 19-20.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* at 19.) No objections have been filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Komives.

Accordingly,

IT IS ORDERED, that Magistrate Judge Paul J. Komives' March 4, 2013 Report and Recommendation (ECF No. 41) is **ADOPTED**;

IT IS FURTHER ORDERED, that Defendants' motion for summary (ECF No. 27) is **GRANTED**.

Date: March 26, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

¹(...continued)
appointed counsel filed a motion to withdraw that was subsequently granted.

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